

10/04/2004 14:34 FAX 7132388008

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 Art Unit: 3721

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FAX NO.: (703) 872-9306**DATE:** October 4, 2004**FROM:** Mark E. Scott, Reg. 43,100

Conley Rose, P.C.
 7100 JPMorgan Chase Tower
 600 Travis Street
 Houston, Texas 77002-2912

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CLIENT NO.: 2230-00400**TOTAL NUMBER OF PAGES (INCLUDING THIS ONE)** 25

COMMENTS: Re: U.S. Patent Serial No. 10/636,055
 Filed: August 7, 2003
 Applicants: Alonso C. Aylsworth and Lawrence C. Spector

Response to Office Action Dated September 21, 2004 (22 pp.);
 Fee Transmittal for FY 2004 (1 p., in duplicate)

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136456.01/2230.00400

PAGE 1/25 * RCVD AT 10/4/2004 3:32:44 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/11 * DNIS:8729306 * CSID:7132388008 * DURATION (mm:ss):07:52

FEE TRANSMITTAL for FY 2004

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **\$239.00**

METHOD OF PAYMENT (Check all that apply)

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Deposit Account:

Deposit Account Number: 09-2769
Deposit Account Name: Conley Rose, P.C.

The Director is authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
Fee	Fee	Fee	Fee
Code (\$)	Code (\$)	Code (\$)	Code (\$)
1001 790	2001 395	Utility filing fee	\$
1002 360	2002 176	Design filing fee	\$
1003 560	2003 276	Plant filing fee	\$
1004 780	2004 365	Reissue filing fee	\$
1005 160	2006 80	Provisional filing fee	\$

SUBTOTAL (1) \$00.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Extra Claims below	Fee from	Fee Paid
45** - 38 = 7	x 9.00	= \$ 63.00		
Independent Claims 8* - 4 = 4	x 44.00	= \$176.00		
Multiple Dependent				

Large Entity Fee	Small Entity Fee	Fee Description
Fee	Fee	Fee
Code (\$)	Code (\$)	Code (\$)
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent Claims in excess of 3
1203 300	2203 160	Multiple dependent claim; if not paid
1204 88	2204 44	" Reissue independent claims
1205 18	2205 9	over original patent

SUBTOTAL (2) \$239.00

*** or number previously paid, if greater; For Reissues, see above*

SUBMITTED BY

Name (Print/Type)

Mark E. Seitz

Signature

Complete (if applicable)	
Registration No. <i>(Attorney/Agent)</i>	43,100
Telephone	(713) 238-8000

Date October 4, 2004

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136481/2230-00400

PAGE 2/25 * RCVD AT 10/4/2004 3:32:44 PM [Eastern Daylight Time] * SVR:USPTO-EFRAF-1/11 * DNI:8729306 * CSID:7132388008 * DURATION (mm:ss):07:52

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003/025

PTO/SB/017 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2004. Patent fees are subject to annual revision.
 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$239.00

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Check Credit Card Money Order Other None

Deposit Account
 Deposit Account Number: 03-2769
 Deposit Account Name: Conley Rose, P.C.

The Director is authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING FEE

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1001 780	2001 365	Utility filing fee	\$
1002 350	2002 175	Design filing fee	\$
1003 550	2003 275	Plant filing fee	\$
1004 790	2004 385	Reissue filing fee	\$
1005 180	2005 80	Provisional filing fee	\$

SUBTOTAL (1) \$00.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims below	Fee from	Fee Paid
45*	38	7	8.00 = \$ 56.00
Independent			
Claims	- 4	x 44.00	= \$176.00
Multiplo Dependent			

Large Entity Fee	Small Entity Fee	Fee Description
Code (\$)	Code (\$)	
1202 16	2202 8	Claims in excess of 20 independent claims in excess of 3
1201 88	2201 44	Multiple dependent claim, if not paid
1203 300	2203 150	** Reissue independent claims over original patent
1204 88	2204 44	** Reissue claims in excess of 20 and over original patent
1205 18	2205 8	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$239.00

* or number previously paid, if greater. For Reissues, see above

SUBMITTED BY

Name (Print/Type)

Mark E. Seay

Signature

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136461/2230-00400

PAGE 3/25 * RCVD AT 10/4/2004 3:32:44 PM [Eastern Daylight Time] * SVR:USPTO-EFARF-1/11 * DNI:8729306 * CSID:7132388008 * DURATION (mm:ss):07:52

Complete If Known			
Application Number	10/636,055		
Filing Date	August 7, 2003		
First Named Inventor	Alonzo C. Aylsworth		
Examiner Name	Aaron J. Lewis		
Art Unit	3721		
Attorney Docket No.	2230-00400		

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1051	2051	Surcharge - late filing fee or oath	\$
1052	2052	Surcharge - late provisional filing fee or cover sheet	\$
1053	1053	Non-English specification	\$
1812	1812	For filing a request for ex parte reexamination	\$
1804	1804	Requesting publication of SIR prior to Examiner action	\$
1806	1,840*	Requesting publication of SIR after Examiner action	\$
1281	110	Extension for reply within first month	\$
1252	430	Extension for reply within second month	\$
1263	980	Extension for reply within third month	\$
1254	1,630	Extension for reply within fourth month	\$
1255	2,080	Extension for reply within fifth month	\$
1401	340	Notice of Appeal	\$
1402	340	Filing a brief in support of an appeal	\$
1403	300	Petition to institute a public use proceeding	\$
1451	1,510	Petition to the Commissioner	\$
1452	110	Petition to revive - unavoidable	\$
1453	1,370	Petition to revive - unintentional	\$
1501	1,370	Utility issue fee (or reissue)	\$
1502	480	Design issue fee	\$
1503	660	Plant issue fee	\$
1460	130	Petition to the Commissioner	\$
1807	50	Processing fee under 37 CFR 1.17(d)	\$
1808	150	Subm. of Information Disclosure Stmt	\$
8021	40	Recording each patent assignment per property (times number of properties)	\$
1809	760	Filing a submission after final rejection (37 CFR 1.129(a))	\$
1810	760	For each additional invention to be examined (37 CFR § 1.129(b))	\$
1801	760	Request for Continued Exam. (RCE)	\$
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Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

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Complete (if applicable)

Registration No.	43,100	Telephone	(713) 238-8000
Attorney/Agent		Date	October 4, 2004

10/04/2004 14:35 FAX 7132388008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alonso C. Aylsworth and
Lawrence C. Spector

S Group Art Unit: 3721

Serial No.: 10/636,055

S Examiner: Aaron J. Lewis

Filed: August 7, 2003

S Confirmation No.: 1019

For: METHOD AND SYSTEM FOR
DELIVERY OF THERAPEUTIC GAS
TO A PATIENT AND FOR FILLING
A CYLINDERRESPONSE TO OFFICE ACTION DATED SEPTEMBER 21, 2004
Atty Docket No. 2230-00400
Date: October 4, 2004Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

This paper is filed in response to the Office Action dated July 1, 2004. The Examiner is requested to enter the following proposed amendments and consider the accompanying remarks. Reconsideration is respectfully requested.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 14 of this paper.

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